

CHAPTER 1 – PUBLIC COMMENTS AND RESPONSES

1.1 INTRODUCTION

Comments on the DEIS were received from federal, state, and local agencies, special interest organizations, and individuals. The format of these comments included letters, emails, and oral testimony.

1.2 PUBLIC REVIEW PROCESS

In August 2001, a newsletter (see Appendix C) was issued that updated the Project status and announced the future availability of the DEIS. The mailing list included almost 375 agencies and individuals. Notices of availability of the DEIS were published in the *Federal Register* on October 3, 2001 (Volume 66, Number 192, pages 50396 and 59397) by RUS and on October 5, 2001 (Volume 66, Number 194, page 51036) by EPA. The RUS notice contained the dates, times, and locations of public hearings, and requested that written comments be addressed to the RUS contact in Washington, D.C. by December 5, 2001. Copies of the RUS and EPA *Federal Register* notices are contained in Appendix C. In accordance with RUS procedures, the applicant published DEIS availability notices in the following newspapers: *Anchorage Daily News*, *Alaska Star*, *Frontiersman*, *Homer News*, *Peninsula Clarion*, *Seward Phoenix Log*, and *Daily News Miner*.

As required by Title XI of ANILCA, public hearings are required in the District of Columbia and the State of Alaska. Due to increased security measures following September 11, 2001, the District of Columbia meeting was moved to USFWS Headquarters in Arlington, Virginia. Public hearings for the DEIS were held on the following dates, times, and locations:

- October 30, 2001, 2:00 to 4:00 p.m., Arlington, Virginia
- November 13, 2001, 7:00 to 9:00 p.m., Anchorage, Alaska
- November 14, 2001, 7:00 to 9:00 p.m., Soldotna, Alaska

Notices of the public hearings were placed in the *Anchorage Daily News*, *Peninsula Clarion*, and *Seward Phoenix Log* during the week of the public hearings.

Approximately 110 copies of the DEIS were sent to federal, state, and local government agencies, institutions, organizations, and individuals. Copies were also placed in the public reading rooms of the following libraries: Mountain View, Chugiak/Eagle River, Cooper Landing, Hope, Kenai, Muldoon, Samson-Diamond, Z.J. Loussac, Gerrish Branch, Soldotna, and Alaska State. The DEIS was distributed in both hard copy and CD ROM format. The complete document was also available on the RUS website.

Public testimony at the three hearings was received from 12 persons. During the 60-day comment period, a total of 102 different comment letters were received from federal, state, and municipal agencies, businesses, native corporations, non-profit organizations, and individuals.

Two of the letters were email form letters signed by 158 and 907 individuals respectively and one letter was in petition format with 12 signatures. The actual total number of commentors was 1,174.

In compliance with the requirements of the CEQ Regulations implementing NEPA, all comments received must be assessed and a response provided. All public testimony and comment letters have been reproduced in this chapter. Letters have been organized by the commentor's affiliation and given a tracking number. Responses are located adjacent to each comment letter.

To ensure that all public comments would be received in a timely manner, all DEIS recipients were contacted by letter on December 5, 2001, the concluding date for all public comments. This letter served to notify all DEIS recipients that comments sent via the U.S. Postal Service may not have been received in Washington, D.C. due to new mail screening requirements. Recipients were encouraged to resubmit their comments via email or fax. To accommodate this delay in mail delivery, comments received after the deadline were considered in the preparation of the FEIS.

1.3 COMMENT ANALYSIS SUMMARY

The comments in response to the DEIS have been organized and summarized in a way that allows reviewers to understand the principal issues of public concern. The lead and cooperating agencies analyzed and considered all comments and responded specifically to those substantive comments that presented new data, questioned findings of analyses, or raised questions or issues relevant to the potential environmental impacts of the proposed project and alternatives, as required by NEPA and associated regulations. Both verbal and written comments were categorized based on the issues addressed in the DEIS. No new issues were raised by commentors.

The following sections provide responses to key issues and comments raised during the public review of the DEIS, as follows:

- Section 1.3.1 – List of Key Topics and Issues
- Section 1.3.2 – Responses to Written Comments
- Section 1.3.3 – Responses to Verbal Comments

1.3.1 List of Key Topics and Issues

Fourteen issues were identified during the scoping process conducted for this Project. For consistency of analysis, these issues were used to categorize public comment received on the DEIS. Table 1-1 demonstrates the number of comments received on each issue, and the associated relative degree of concern over each issue.

<p align="center">TABLE 1-1 PROJECT ISSUES AND RELATIVE DEGREE OF CONCERN</p>		
Issue	Total Comments	Relative Degree of Concern (%)
Issue 1 - Purpose and Need for the Project	16	4.7
Issue 2 - Urban and Rural Land Use	13	3.8
Issue 3 - Aviation Safety	1	0.3
Issue 4 - Recreation and Tourism	43	12.6
Issue 5 - Management Plans	61	18.0
Issue 6 - Watershed Management and Soil Erosion	2	0.6
Issue 7 - Visual Resources	39	11.5
Issue 8 - Biology	66	19.4
Issue 9 - Cultural Resources	2	0.6
Issue 10 - Right-of-Way Limitations	4	1.2
Issue 11 - Health and Safety	1	0.3
Issue 12 - Avalanche Hazards	0	0
Issue 13 - Socioeconomics	13	3.8
Issue 14 - Alternatives to the Proposed Project	79	23.2
Total*	340	100
<p>*Total of 340 reflects total issues listed within individual letters. For example, if a commentor listed concerns over several animal species, they received one tally for biology, rather than several. Also, form letters were counted only once, rather than multiplied by number of signatures.</p>		

A summary description of each of these issues and a general response are provided below.

Issue 1 – Purpose and Need for the Project

The underlying need for the Project has been questioned in several comments as summarized below:

- The no-action alternative should be selected because the purpose and need had not been firmly established.
- There are other alternatives to a new transmission line that would meet the purpose and need with less environmental impact.
- The Project cost-benefit analysis should include long-term environmental costs associated with impacts to wildlife, recreation, and other resource values on the KNWR.
- The cost-benefit ratio is obscured by the inclusion of the state grant.

General Response – The purpose and need for the Project and the benefits resulting from the Project have been evaluated extensively and confirmed repeatedly through numerous studies. Between 1987 and 1999, a series of 14 engineering, economic, and environmental studies were conducted to confirm the need, identify reasonable alternatives, determine accrued benefits, and establish key cost and technical parameters (refer to DEIS Table 1-2). The no-

action alternative does not meet the purpose and need for the Project (DEIS, Section 2.3.1, No Action Alternative, pgs. 2-29 and 2-30). RUS did conduct an independent review of the purpose and need and alternatives considered for the Project in 1998 and found that the need and alternatives sections as written in the DEIS adequately describe and justify the need for the Project.

The DEIS adequately addresses impacts to wildlife, habitats, and other resource values in the KNWR, and a cost evaluation of these impacts is not required (see Issue 13, Socioeconomics).

The cost-benefit ratio for the Project has not been obscured by the state grant. Table 1-12 on pg. 1-31 of the DEIS lists the cost-benefit ratios for the Project with and without the \$46.8 million dollar state grant.

The purpose and need for the Project are discussed in detail in Chapter 1 of the DEIS, Sections 1.2 and 1.3. Chapter 2, Section 2.2.1 in the FEIS provides more information on Project costs and benefits.

Issue 2 – Urban and Rural Land Use

Comments were received on how the proposed and alternative routes could potentially conflict with existing or future land uses.

General Response – Conflicts with existing and future land use have been avoided through the siting of facilities within existing rights-of-way, existing and planned utility corridors, and the undergrounding of facilities in sensitive areas. See Section 3.6.3 of the DEIS and the Mitigation Plan in Volume II of the FEIS.

Issue 3 – Aviation Safety

Because many areas near the proposed project are accessible only by aircraft, the concern was expressed that an overhead transmission line would prohibit landing of private aircraft in remote areas.

General Response – Compliance with Federal Aviation Administration (FAA) regulations such as 14 CFR Part 77 Standard for Determining Obstructions and FAA Advisory Circular 70/7460-1G (pg. 3-132 of the DEIS) will occur prior to construction. In addition, land use studies identified local airstrips and aircraft use. Mitigation, such as undergrounding the transmission line in certain areas and the marking of the line with high visibility devices, will alleviate many concerns. See Section 3.6.3, Alternatives (DEIS beginning on pg. 3-135) for airstrips identified on specific routes, and the Mitigation Plan in Volume II of the FEIS for the location of underground line segments in association with these airstrips.

Issue 4 – Recreation and Tourism

Concern was expressed that the Project would impact recreation and tourism on the Kenai Peninsula either by changing the visual quality of an area and therefore preventing people from wanting to visit, or by increasing access to an area, which could either result in difficulty managing the area or closing access entirely to prevent too much human contact with sensitive species.

General Response – Impacts to visual resources (Issue 7), management practices (Issue 5), and sensitive resources (Issue 8) are acknowledged. However, socioeconomic analysis concluded that “the Project would not seriously damage the area’s tourist and recreation trade” (DEIS pg. 3-184) and recreation and tourism should not experience significant impacts.

Issue 5 – Management Plans

Many commentors were concerned that the proposed project would conflict with existing management plans. Comments reflected the concern that the proposed Enstar Route would conflict with the mandate to protect wildlife within the KNWR, and that the presence of a transmission line would impact wildlife by increasing access and preventing prescribed burning, which is critical for moose habitat. Concern also was expressed that the presence of a new transmission line in the KNWR would prohibit future designation as a wilderness area, and effect subsistence hunting.

General Response – The DEIS describes the conflicts between the proposed the Enstar Route and management plans on the KNWR including future wilderness designation of the Chickaloon Flats and Two Indians areas (pg. 3-143 of the DEIS). See the USFWS Compatibility Determination in Appendix A of the FEIS. Effects to subsistence are described in Section 3.8 (pg. 3-205 of the DEIS).

Issue 6 – Watershed Management and Soil Erosions

There are numerous streams and rivers in the Project study area, which provide food sources for many species such as the brown bear. Comments expressed concern that construction activities could damage water quality or cause soil erosion, which could in turn impact feeding activities or fish spawning.

General Response – Anadromous fish streams are protected under state law. Spanning or drilling under the streams and minimizing vegetation removal at stream crossings will avoid impacts. See DEIS Section 3.5.5, Freshwater Environment, Environmental Consequences and Mitigation, Anadromous Fish (pg. 3-100). See also Table 3-2, Impacts and Mitigations Common to Most Alternative Routes (pg. 3-15). Mitigation measures including specific

locations of the anadromous streams crossed by the Project alternatives may also be found in the Mitigation Plan in Volume II of the FEIS.

Issue 7 – Visual Resources

Several comments were received on visual resources, specifically on how the Project would affect views in recreational areas or from residences. Comments were related to both vegetation clearing and the presence of the actual transmission structures.

General Response – Visual impacts associated with the Project would be long term, remaining over the life of the Project and it is recognized that there would be significant impacts to recreational viewers on the Enstar Route and residential viewers on the Tesoro Route. However, mitigation measures will be taken to reduce impacts where possible. For more information see Visual Resources (Section 3.9.2 in the DEIS) and the Mitigation Plan in Volume II of the FEIS.

Issue 8 – Biology

Biology was the second most frequently mentioned topic receiving 19.4 percent of the comments. Comments primarily focused on brown bears, moose, beluga whales, and wetland habitats, although other sensitive animal species (such as birds and waterfowl) or habitats also were mentioned. Most of the comments focused on potential impacts on the KNWR resulting from the Enstar Route. These impacts could result from increased access and associated increase in hunting or bear/human contact, and restrictions in prescribed burns that would impact habitat. Comments on potential conflicts with beluga whales, especially during calving season, focused on the submarine cable installation in Cook Inlet.

General Response – Mitigation measures have been incorporated to reduce potential impacts to vegetation and wildlife to the greatest extent possible by avoiding sensitive areas and construction timing, minimizing tree clearing and limiting new access (see the Mitigation Plan in Volume II of the FEIS). Impacts to wildlife on the KNWR would be considered nationally significant due to the mandate to protect wildlife on the KNWR. The USFWS has concluded that the Enstar Route would not be compatible with the purposes for which the KNWR was established. See Appendix A in the FEIS for the Compatibility Determination. The USACE has indicated that the Tesoro Route is a less damaging practicable alternative than the proposed Enstar Route. See Appendix B for the Draft Section 404(b)(1) Evaluation.

Impacts to beluga whales are not expected to be significant. Scheduling cable laying during July and August avoids the calving season in compliance with recommendations from National Marine Fisheries Service (NMFS) and Alaska Department of Fish and Game (ADF&G). The cable laying operation is not expected to have in-water noise that would disturb the whales other than the barge vessel and water jet excavation/trenching machine. Also, activities will be conducted in accordance to practices as outlined in Chapter 2, Section

2.2.5 of the FEIS. NMFS has concurred with the Applicant's proposed mitigation. See DEIS, Section 3.5.9, Marine Environment, Environmental Consequences and Mitigation, Marine Mammals (pg. 3-113) for more information.

Issue 9 – Cultural Resources

Comments on the DEIS regarding cultural resources included concerns regarding impacts to the Pt. Possession Village and native lands and other potential archaeological sites such as the Denai'na Indian cultural sites.

General Response – The Tesoro Route alternative would be underground parallel to the pipeline on the edge of the Pt. Possession property. The transmission line was sited in this location to be in conformance with the KPB's planned transportation/utility corridor and avoids the Pt. Possession Native Village. See DEIS Section 3.6.3, Alternatives, Bernice Lake to Pt. Possession – Route Option A (pg. 3-135). See also Appendix B, "Access to Area" Table (pg. B-29) in the DEIS, and the Mitigation Plan in Volume II of the FEIS. Prior to initiating Project construction, formal consultation will be initiated with the Alaska Department of Natural Resources (DNR), Office of History and Archaeology. Areas recommended for archaeology surveys will be identified and appropriate mitigation for identified sites will be developed.

Issue 10 – Right-of-Way Limitations

Comments were received regarding concern that the additional right-of-way needed for the Project would impact property owned by an individual or agency.

General Response – The Project alternatives have been located in a manner that minimizes impacts to property owners. As described in the DEIS, Section 3.6.3, facilities have been located within existing rights-of-way, and existing and planned utility corridors to the greatest extent possible. Mitigation measures including selective tower placement and realignments have further reduced impacts to property owners (see Volume II of the FEIS).

In addition, the Applicant will coordinate with agencies and private entities in the acquisition of right-of-way. See DEIS Section 2.5.2, Right-of-Way Acquisition Process (pg. 2-51).

Issue 11 – Health and Safety

One comment was received on potential health impacts (i.e., EMF) from the proposed project.

General Response – Studies on EMF have been inconclusive regarding potential health effects. However, the proposed Project would be typical of facilities that have been operated for many decades, and EMF levels from the Project would be less than existing EMF

standards or guidelines (DEIS, pg. 3-278). See DEIS, Section 3.11, Electric and Magnetic Fields and Noise (pg. 3-272) for more information.

Issue 12 – Avalanche Hazards

Although this was an issue of great concern during the public scoping for this Project, no specific comments were received on this issue during review of the DEIS.

Issue 13 – Socioeconomics

Several comments requested that a cost-benefit analysis that weighs the benefits of the Project with the cost of affected wildlife and habitat be completed for the proposed project. Other comments questioned the accuracy of statements that consumers would experience rate savings as a result of the Project, or expressed concern that property values would be affected.

General Response – Qualitative evaluation is appropriate according to Section 1502.23 of CEQ regulations for implementing NEPA, which states “the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations.” The DEIS provides an adequate database for the lead and cooperating agencies to adopt the Tesoro Route as the preferred alternative (see FEIS, Summary Section S.10). This decision is based on qualitative evaluation of unquantified impacts, values, and amenities as described in Section 1502.23. This decision is consistent with comments received from EPA (see comments 1A and 1F – EPA regarding Least Damaging Alternative/Preferred Alternative). Further information on this topic is also provided in the FEIS Chapter 2, Section 2.2.7, Environmental Cost-Benefit Analysis Summary.

The Project is expected to result in rate savings. Property values are discussed in the DEIS, Section 3.7.2, pg. 3-176, Facility Impacts on Property Values.

Issue 14 – Alternatives to the Proposed Project

The majority of comments received, over 23 percent, were regarding alternatives to the proposed project. These comments focused on two different topics: transmission alternatives to the Enstar Route (Tesoro and Quartz Creek routes), and alternatives to a transmission option. Some individuals believe that a transmission line is not needed at all, and other options such as fuel cells should be analyzed more thoroughly. Other people believe that the Tesoro Route or Quartz Creek Route should be selected to prevent additional impacts on the KNWR.

General Response – Section 1502.14a of CEQ Regulations for Implementing NEPA requires that a DEIS “Rigorously explore and objectively evaluate all reasonable alternatives, and for

alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.” The DEIS is in compliance with that requirement.

Section 2.2, Alternatives Studied and Eliminated from Detailed Study (DEIS pg. 2-1 through 2-25), describes a number of alternatives that were considered and eliminated from further study. In that section, for example, alternatives to a transmission line that were considered but eliminated include BESS, DSM, energy efficiency/conservation, new generation, distributed generation, wind generation, fuel cells, and increased spinning reserves. These Project alternatives were not reasonable because they do not meet the purpose of the Project as described in Section 2.2. Each of these alternatives and the reasons for their elimination are briefly described in this section of the DEIS.

Additionally, the route selection process identified two new transmission options in addition to upgrading the existing 115kV Quartz Creek line or constructing a second line parallel to the existing line. The process concluded that a second transmission line along either the Tesoro or Enstar routes were the only reasonable alternatives identified as being responsive to both the purpose and need for the Project. These two alternatives were evaluated in detail. The no-action alternative does not meet the purpose and need for the Project (see Issue 1).

Based on this information, RUS has determined that the range and scope of other alternatives have been adequately studied, and the proposed project, a second intertie from the Kenai Peninsula to Anchorage, is the only alternative that meets the Project need. The RUS has selected the Tesoro Route, Alternatives A, D, and N as the preferred alternative, while USFWS has identified the Tesoro Route (Alternatives A and C) as the preferred route. The USFWS has concluded that the Enstar Route would not be compatible with the purposes for which the KNWR was established. See Appendix A in the FEIS for the Compatibility Determination. The USACE has indicated that the Tesoro Route is a less damaging practicable alternative than the proposed Enstar Route. See Appendix B for the Draft Section 404(b)(1) Evaluation.